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UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

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In re:) AWA Docket No. 10-0251
)
 Floyd and Sharon Harrell,) Consent Decision
) and Order
 Respondents)

This proceeding was instituted under the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.), by a complaint filed by the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, alleging that the respondents willfully violated the Act and the regulations and standards issued pursuant to the Act (9 C.F.R. § 1.1 et seq.). This decision is entered pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

The respondents admit the jurisdictional allegations in paragraph I of the complaint and specifically admit that the Secretary has jurisdiction in this matter, neither admit nor deny the remaining allegations, waive oral hearing and further procedure, and consent and agree, for the purpose of settling this proceeding and for such purpose only, to the entry of this decision.

The complainant agrees to the entry of this decision.

Findings of Fact

1. Floyd and Sharon Harrell, hereinafter referred to as the respondents, are individuals (husband and wife) who, at all times material herein had a mailing address of 4942 Beach Road, Conway, Missouri 65632.
2. The respondents, at all times material herein, were not licensed dealers under the Act and the regulations.

Conclusions

The respondents having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, such decision will be entered.

Order

1. Respondents, their agents and employees, successors and assigns, directly or through any corporate or other device, shall cease and desist from violating the Act and the regulations and standards issued thereunder, and in particular, shall cease and desist from:

- (a) Engaging in any activity for which a license is required under the Act and regulations without being licensed as required.

2. The respondents are jointly and severally assessed a civil penalty of \$16,075.00, of which \$4,800.00 is due and payable. The remaining \$11,275.00 will be held in abeyance provided that the respondents, after notice and opportunity for hearing, are not found to have violated the Act or the regulations and standards issued thereunder, or this order by operating without being licensed as required during the next five (5) years. The Respondents shall make said payment via certified check or money order made payable to the Treasurer of the United States.

3. Respondents are permanently disqualified from obtaining a license under the Act and the regulations.

The provisions of this order shall become effective on the first day after service of this decision on the respondents.

Copies of this decision shall be served upon the parties.